

Tsarkov, Alex

From: David K [davidk1233@comcast.net]

Sent: Thursday, March 24, 2011 8:26 AM

To: Tsarkov, Alex

Subject: From Kerry Gray1: Written Testimony in Support of HB6620, HB1205 and HB1208; For Public Hearing 3/25/11
Written Testimony in Support of HB6620, HB1205 and HB1208; For Public Hearing 3/25/11

2037 Broadbridge Avenue
Stratford, CT 06614
February 18, 2011

To: The Insurance and Real Estate Committee

RE: HB 6237

I own a condominium in Beach Drive Condominium Association (6 Third Avenue in Stratford, CT 06615. This letter is to express my support of HB 6237. If approved, this proposed condo bill will help protect the interest of condo owners. In addition to supporting these bills, I believe the following additional changes to the Common Interest Ownership Act would also benefit condo owners.

1. A provision making binding alternative dispute resolution mandatory (to encourage association boards to resolve issues internally before engaging in litigation);
2. Mandatory board member training in association governance;
3. Term limits for association board members;
4. Mandatory training for Community Association Managers;
5. Community Association Manager Licensure with issuance and renewal dependent upon certification of training;
6. Incorporating the provisions of the Community Association Managers statute into the Common Interest Ownership Act, including
 - a. Amending CAM statute to include as grounds for revoking, suspend or refuse to issue a new or renew a certificate of registration, already within the statutory authority of the Department of Consumer Protection, mismanagement of the enumerated services included in the definition of "Association Management Services";
 - b. Further defining the services a community manager shall provide to an association;
 - c. Mismanagement or misconduct by community association managers shall be grounds for revoking or refusing to renew a manager's license. (Alternatively, all mandates in the Common Interest Ownership Act shall apply to community managers as well.)
 - d. Tie the Common Interest Ownership Act and the Community Association Manager statute together in some way. The community manager acts as an agent of the board for a fee. A large percentage of condo owner complaints, although directed to boards, involve the community manager in some way. The community manager plays an integral part in the governance of an association and should be responsible along with the board to ensure the association acts lawfully.
 - e. Reintroduction of the Condominium Ombudsman legislation this legislative session with fewer state employees, supplemented by a few volunteers since the case load is not likely to be too great. If the legislature incorporates all of the above changes, which should act as a filter, then fewer cases would meet the qualifications needed to be considered by a condominium ombudsman.
 - f. The reintroduction of punitive damages, attorney's fees and costs as provided in the pre-amended Common Interest Ownership Act, or making award of attorneys' fees and costs mandatory rather than permissive.

These additional changes would be especially helpful in associations where board members stay on boards for years and making it hard for other association members to get onto the board. As an example, I think that a board member's term should be for a specified time (3 years on, 1 year off) before that board member can get re-elected to the board. Only that way can every member of the condo association have

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an opportunity to be elected fairly. Our current board has historically picked their own slate each year and makes that recommendation 10 days prior to our yearly meeting where a vote is held. Nominations can be taken from the floor, but current board members come with proxies so nominations from the floor are unlikely to be elected.

I believe that training for board members on the Common Interest Ownership Act would be helpful. Although I am a board member (I only got on the board as someone resigned), my experience seems to reveal that some board members do not take the time to learn the rules around condominium law.

Sincerely,

Kerry L. Gray